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FILED

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CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,

vs.

Ismael Gutierrez-Martinez,
Jorge Garcia-Gutierrez,
Defendant.

CR23-01452 TUC-RM(LCK)

INDICTMENT

VIO: 18 U.S.C. § 554(a)
(Smuggling Goods from
the United States)
Count 1

18 U.S.C. § 924(d); 28 U.S.C. §
2461(c); and 50 § 4819(d)(1)(C)
(Forfeiture Allegation)

THE GRAND JURY CHARGES:

COUNT 1

On or about August 24, 2023, in the District of Arizona, Defendants ISMAEL GUTIERREZ-MARTINEZ and JORGE GARCIA-GUTIERREZ, knowingly attempted to export and send from the United States any merchandise, article, or object contrary to any law or regulation of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise, article or object, that is:

- One (1) .50 Caliber BMG Desert Tech Rifle bearing serial number HT1003320,
- One (1) .50 Caliber Magazine, and
- One (1) Bipod,

knowing the same to be intended for exportation contrary to any law or regulation of the United States, to wit: Title 50, United States Code, Section 4819; Title 15, Code of Federal

1 Regulations, Part 736.2; Title 15, Code of Federal Regulations, Part 774; and Title 15,
2 Code of Federal Regulations, Part 738.

3 In violation of Title 18, United States Code, Section 554(a).

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5 **FORFEITURE ALLEGATION**

6 Upon conviction of the Indictment, the defendant, ISMAEL GUTIERREZ-
7 MARTINEZ and JORGE GARCIA-GUTIERREZ, shall forfeit to the United States
8 pursuant to Title 18, United States Code, Section 924(d), Title 50, United States Code,
9 Section 4819(d)(1)(C), and Title 28, United States Code, Section 2461(c), any firearms
10 involved in the commission of the offense and any property constituting an item that is
11 exported or intended to be exported in violation of the offense, including, but not limited
12 to:

- 13 1) One (1) .50 Caliber BMG Desert Tech Rifle bearing serial number
14 HT1003320,
15 2) One (1) .50 Caliber Magazine, and
16 3) One (1) Bipod.

17 If any of the property described above, as a result of any act or omission of the
18 defendant: a) cannot be located upon the exercise of due diligence; b) has been transferred
19 or sold to, or deposited with, a third party; c) has been placed beyond the jurisdiction of
20 the court; d) has been substantially diminished in value; or e) has been commingled with
21 other property which cannot be divided without difficulty, it is the intent of the United
22 States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title
23 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said
24 defendants up to the value of the above forfeitable property, including, but not limited to,
25 all property, both real and personal, owned by the defendants.

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1 All pursuant to Title 18, United States Code, Section 924(d), Title 50, United States
2 Code, Section 4819(d)(1)(C), Title 28, United States Code, Section 2461(c), and Rule
3 32.2(a), Federal Rules of Criminal Procedure.

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5 A TRUE BILL

6 /S/
7 FOREPERSON OF THE GRAND JURY
Dated: September 20, 2023

8 GARY M. RESTAINO
9 United States Attorney
District of Arizona

REDACTED FOR
PUBLIC DISCLOSURE

10 /S/
11 NATHANIEL J. WALTERS
12 Assistant United States Attorney
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